

AUG 19 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BERKELEY POLICE DEPARTMENT; et
al.,

Plaintiffs - Appellees,

v.

EMANUEL SIMON EL BEY; et al.,

Defendants - Appellants.

No. 08-16183

D.C. No. 3:07-cv-06126-MMC

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Submitted August 11, 2008**

Before: CANBY, LEAVY and KLEINFELD, Circuit Judges.

Appellants' motion to proceed in forma pauperis is granted.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

A review of the record and appellants' opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, we summarily affirm the district court's order remanding this action to the state court.

All other pending motions are denied.

AFFIRMED.